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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE

425 Eye Street, N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536



File: LIN 01 159 51103

Office: Nebraska Service Center Date:

IN RE: Petitioner:
Beneficiary:



AUG 19 2003

Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

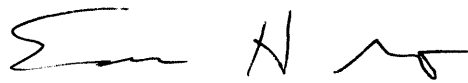
INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, Nebraska Service Center, and the matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be rejected as improperly filed.

The petitioner seeks classification of the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(4), to perform services as a Sikh religious minister at a monthly salary of \$800.00, in addition to room, food, and medical expenses.

In a decision dated June 3, 2002, the director denied the petition on multiple grounds.

8 C.F.R. § 103.2(a)(3) states, in pertinent part, that: "[a]n applicant or petitioner may be represented by an attorney in the United States A beneficiary of a petition is not a recognized party in such a proceeding. . . ." 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, that: "[a]n appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. . . ."

The Form G-28, Notice of Entry of Appearance of Attorney or Representative, contained in the record reflects that it was signed by the beneficiary. There is no Form G-28 contained in the record of proceeding signed by the petitioner. As the appeal has been filed by the beneficiary's counsel, not by the petitioner or any entity with legal standing in the proceeding, the appeal must be rejected as improperly filed.

ORDER: The appeal is rejected as improperly filed.